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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,963	12/01/2003	Olaf Muller	710-X03-019CIP	2854

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EXAMINER

HAYES, BRET C

ART UNIT PAPER NUMBER

3644

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,963

Applicant(s)

MULLER, OLAF

Examiner

Bret C Hayes

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3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. If applicant desires priority under 35 U.S.C. 120 based upon a previously filed application, specific reference to the earlier filed application must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application. (*Emphasis added.*)

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: line 3, "an knee" should be --a knee--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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4. Claims 1 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 appears to be an incomplete sentence using improper idiomatic English. There is no indication that the steering column includes any of an outer housing, a steering shaft housing or a guiding plate. Examiner suggests replacing “characterized in that” with --comprising--. For examination purposes, that is how the claim will be treated.
6. Re – claim 6, line 3, the use of “and/or” is rejected as being unclear. It cannot be determined what Applicant is claiming.
7. Claim 9 recites the limitations "the longitudinal adjustment" in lines 3 and 4, and, "the load absorbing means" in lines 4 and 5. There is insufficient antecedent basis for these limitations in the claim.
8. Claim 12 recites the limitation "The manufacturing method" in line 1. There is insufficient antecedent basis for this limitation in the claim.
9. Any unspecified claim is rejected as being dependent upon a rejected base claim.\

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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11. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,943,916 to Baumann et al. (**B**).

12. **B** discloses a manufacturing method for a steering column characterized in that an outer housing 2, a steering shaft housing and a guiding plate are at least partly made of extruded profile.

*Claim Rejections - 35 USC § 103*

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1 – 5, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **B** in view of US Patent No. 6,189,919 to Sinnhuber et al. (**S**).

15. Re – claim 1, **B** discloses the invention substantially as claimed including a steering column, as in Fig. 1, for example, comprising an outer housing 2 constructed in an extruded profile. However, **B** does not disclose the steering column having a knee airbag.

16. **S** teaches a knee airbag, as set forth at col. 5, line 3 (5:3), in the same field of endeavor for the purpose of protecting an occupant from injury.

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **B** to have the steering column have a knee airbag as taught by **S** in order to protect an occupant.

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18. Re – claim 2, **B** further discloses means for longitudinal and vertical adjustment 6, 7 of the steering column are accommodated in the extruded profile.
19. Re – claim 3, **B** further discloses the means 6, 7 being accommodated in the profile of the outer housing.
20. Re – claim 4, **B** further discloses means for accident-caused movement 10 are accommodated in the extruded profile.
21. Re – claim 5, **B** further discloses the means 10 including load absorbing means 9.
22. Re – claim 7, **B** further discloses the means 10 being accommodated in the outer housing 2.
23. Re – claim 10, **B** in view of **S** discloses the claimed invention as applied to claim 1 above. However, **B** in view of **S** does not disclose a means of protection of a driver's knees or legs being integrated in the extruded profile or the extruded profiles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to integrate a means of protection of a driver's knees or legs in the extruded profile or the extruded profiles, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1983). Further, it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).
24. Re – claim 11, **B** in view of **S** discloses the invention substantially as claimed. However, **B** in view of **S** does not disclose the means of protection including a knee impact plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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have the means of protection include a knee impact plate, since it was known in the art that knee bolsters are generally used to cushion the impact of a knee airbag inflation against an occupant's knees/legs.

***Allowable Subject Matter***

25. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
26. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
27. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor fairly teaches the recited limitations of the claimed invention including, but not limited to: (claim 6) load absorbing means including two load absorbencies activated or deactivated depending on a seat belt fastened condition or the size of the driver; (claim 8) means for movement includes pyrotechnic or electronic driving means accommodated in the extruded profile(s); and (claim 9) means for movement includes pyrotechnic or electronic unlocking means for longitudinal adjustment and unlocking or locking means for load absorbing means.
28. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

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***Conclusion***

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (703) 306 – 4198. The fax number is (703) 872 – 9306.

bh

8/21/04

A handwritten signature in black ink, appearing to read 'Teri P. Luu', is positioned above the printed name.

**TERI P. LUU  
SUPERVISORY PRIMARY EXAMINER**